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PATENT TRADEMARK OFFICE

# **UTILITY APPLICATION**

**OF**

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**FOR**

**UNITED STATES PATENT**

**ON**

**GARDEN NOVELTY WITH UPRIGHT  
WING SUPPORTS**

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# **GARDEN NOVELTY WITH UPRIGHT WING SUPPORTS**

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## **BACKGROUND**

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Various novelty items are known wherein the novelty items represent various  
5 doll-like or whimsical figures wherein the appendages may have spring connections to  
the body. See, for example, U.S. Patent 2,760,303 which is directed to  
ARTICULATED FIGURE TOY. In other instances a bird or the like having a body  
wherein the head is connected by a coil spring is shown in U.S. Design Patent 337,358  
entitled LINKING BIRD. While these prior art novelty items may be useful, there  
10 remains a need for a novelty item that can be more easily packaged and assembled.

## **SUMMARY**

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Exemplary embodiments described herein are directed to a whimsical caricature  
wherein a body has associated therewith either wings, arms, head and legs each of  
15 which are connected by a spring means or coil spring having a K-factor that is  
relatively and selectively chosen such that, depending upon the weight of the appendage  
being supported, the same may be easily moved through vibrational or other forces  
impacted thereon relative to the body with which it is associated.

More specifically, one or more spring means are coupled to the body through  
20 upright support members. That is, these support members may be substantially  
perpendicular to the horizontal axis of the body. By providing upright support  
members, the appendages associated with the novelty item may be removed so as to

facilitate packaging of the item. While one exemplary embodiment may be described in specific detail with regard to a bird and cartoon-like article, it is not to be so narrowly construed inasmuch as the same inventive concept may be applied to humans, vertebrates, animals, insects, fish or the like, it only being important that the appendages of the simulated article be connected to a body of a spring connecting means which may take the configuration of a coil spring. According to one exemplary embodiment, however, other spring configurations may be utilized just so long as the attributes of the disclosed exemplary embodiments are obtained.

## **BRIEF DESCRIPTION OF THE DRAWINGS**

Figure 1 is a perspective view of an exemplary, decorative novelty item embodied in a whimsical bird;

Figure 2 is an exploded perspective view of the exemplary novelty item shown in Figure 1; and

Figure 3 is a cross-sectional view taken along line 3-3 of Figure 1;

## **DETAILED DESCRIPTION**

The detailed description set forth below in connection with the appended drawings is intended as a description of exemplary embodiments and is not intended to represent the only forms in which the exemplary embodiments may be constructed and/or utilized. The description sets forth the functions and the sequence of steps for constructing and operating the exemplary embodiments. However, it is to be understood that the same or equivalent functions and sequences may be accomplished

by different embodiments that are also intended to be encompassed within the spirit and scope of the invention.

The exemplary embodiments are directed to a novelty item comprising the combination of a simulated vertebrate, animal, bird or the like having a head, a body  
5 and appendages, each of said head and appendages being operatively connected to the body through a spring connecting means wherein the K-factor of the spring connecting means is such as to allow each of the head and appendages to be easily movable through spring action relative to the body and to be freely and easily movable thereto. According to one exemplary embodiment being directed to a garden item, at least one  
10 stake means extends from the body.

Referring to Figures 1-2 of the drawing wherein like members of reference designate like elements throughout it will be seen that the novelty item in this particular instance takes the form of an avian caricature and it will be seen that the garden novelty  
100 as indicated takes the form of a bird having a body 101, a head 115 and wings 104,  
15 108, tail 105, and legs 106, 118 and wherein it will be noted that each of the head, wings, tail, and appendages are associated with the body 101 by means of a spring connecting means 102, 103, 106, 107, 116, respectively.

With respect to the spring connecting means 116 it will be seen that the same takes the form, in one embodiment, of a coil spring somewhat extensive in length and  
20 having a K-factor such that when the garden novelty 100 is staked or placed on its stand in the garden or the like so that vibrational movement of the ground or movement caused by the wind will impart dynamic action and movement of the head 115 relative

to the body **101**.

Likewise the wings **104, 108**, and the tail **105** are associated with the body **101** through spring connectors **102, 103, 107** taking the form of coil springs but being substantially shorter in length but again having a K-factor that depending upon the weight of the wings **102, 103** is such that vibrational movement either imparted through the novelty item **100** from the ground or by means of a wind in the ambient atmosphere in which the ornamental novelty **100** is placed, will cause the wings to have some dynamic action or simulated flapping thereof.

According to one exemplary embodiment, the wings **104, 108** may be fabricated of a wire mesh and overlaid thereon with a thin, metal enameled representation of feather plates. These metal plates may be configured to simulate feathers and may be of various colors and may be chosen to be whimsical in nature and preferably are of a high lacquer finish so that the same will withstand the ambient elements as well as be reflective and pleasing to look at. The same may be said for the exterior finish of the remainder of the novelty item **100** with the colors for the head and legs, etc. being selected as a matter of choice, the same being chosen so as to make the ornamental novelty **100** as attractive to the eye as possible depending upon the end result to be obtained.

As shown in Figure 2, the wings **104, 108** are releasably coupled to the body **101** by upright members **201**. According to one exemplary embodiment, the upright members are positioned on the body so as to be substantially perpendicular to the horizontal axis of the novelty item. As those skilled in the art will appreciate, the

upright members **201** may be positioned on the body **101** of the novelty item **100** in any number of angles. For example, according to one exemplary embodiment, the upright members may be substantially parallel to the horizontal axis of the novelty item. The upright members **201** may be welded, soldered, or otherwise tacked onto the body **101**.

5 Because the wings **104**, **108** may be removed from the upright members **201**, the novelty item **100** may more easily be stored and/or packaged as the container holding the novelty item may be smaller as compared to those novelty items where the wings are permanently attached to the body.

According to one exemplary embodiment, the legs **106**, **108** may be directly  
10 coupled to the body **101**. In another exemplary embodiment, the legs may be composed of a first rod portion coupled to a second rod portion by a coil spring. That is, the leg configuration of this embodiment simulates a leg wherein the first rod portion corresponds to a thigh, the coil spring corresponds to a knee, and the second rod portion corresponds to the lower leg.

15 The novelty item **100** may be coupled to a means for securing the item to a horizontal or vertical surface such as, but not limited to, the ground, a wall, window, door or the like. According to one exemplary embodiment, the securing means may be a unitary shaft. In another exemplary embodiment, the securing means may be shaft having one or more shaft components coupled together to form a unitary shaft. In the  
20 exemplary embodiment depicted in Figures 1-2, the securing means is a shaft having an upper shaft **111** and a lower shaft **117**.

As shown in Figures 1-2, the securing means is coupled to the base of the body 101 through a sleeve 110. The sleeve 110 extends from the outer surface of the body 101 and defines a bore that is sized to receive the upper shaft 111. The sleeve 110 may also include a passage that intersects the bore. A screw 109 or other coupling means  
5 know or developed in the art may be inserted through the passage to ensure that the novelty item 100 is securely coupled to the upper shaft 111 as shown in Figure 3.

In one exemplary embodiment, a groove 200 may be provided about the periphery of the first end of the shaft 111. At the second or opposite end of the shaft 117, a means for staking or standing the novelty item on the surface is provided. As  
10 shown in Figures 1-2, a L-shaped staking member 114 is coupled to the shaft 117. As those skilled in the art will appreciate, the staking member 114 may have a plurality of forks and/or shapes. As shown in Figures 1-2, the portion of the staking member 114 that is substantially perpendicular with the shaft 117 provides a surface to allow an individual to “step” the staking means into the ground.

Also, as shown in Figures 1-2, the shaft 111, 117 may include other features  
15 such as an anemometer 112 and/or a wind directional indicator 113. In various exemplary embodiments, the anemometer 112 may be a 3-cup style or a propeller-type style. The anemometer 112 is coupled to the shaft 111, 117 so that the anemometer 112 may spin about the shaft 111, 117.

20 In another exemplary embodiment, rather than having a stake or other piercing element, the shaft 117 may terminate at a stand (not shown) that is rectangularly shaped and of cast metal or other materials of sufficient weight in order to support the novelty

item 100. Where it is desired to have the novelty item 100 supported, for example, from a metal object, the body 101 may be provided with a threaded aperture, which receives a magnet member (not shown) by means of a threaded bolt or the like. In like fashion where it is desired to have a support other than magnet, a suction cup may be substituted for the magnet in which event the suction cup is threaded into the threaded aperture by means of a threaded bolt for attachment to a surface as those of ordinary skill in the art will at once recognize.

While the invention has been described with respect to a simulated vertebrate and bird, those of ordinary skill in the art will of course recognize that the same principles may be applied to other animals, fish, insects and the like wherein it is desired to have a whimsical, dynamically active novelty item for garden, kitchen or the like it only being important that the head and appendages, whether they be arms, wings or legs or the like, be connected to a body through a spring connecting means which allows for easy association and disassociation of the spring supported members or appendages from the body of the novelty.

Further, those of ordinary skill in the art will recognize that the spring connectors, their K-factors, weight and size will be dictated by the appendage or body it is intended to support and still achieve the movement of the novelty desired.

Thus, there has been disclosed a whimsical novelty article taking the form of a whimsical vertebrate, bird, animal or the like that will add dynamic pleasure to any setting whether it be garden, kitchen or other setting.